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January 21, 2004

Honorable Deborah Taylor Tate
Tennessee Regulatory Authority
460 James Robertson Parkway
Nashville, TN 37243-0505

04-00030

Re: Complaint of Renaissance Application Facility, LLC Against Cable &
Wireless USA, Inc. and Request for Emergency Relief

Dear Chairman Tate:

Please accept for filing the attached Emergency Complaint from Renaissance Application Facility. This local company, located in Green Hills, is heavily dependent upon high speed, data transmission services. It has been notified by its service provider, Cable & Wireless USA, Inc., that Cable & Wireless is withdrawing from the Nashville market and will terminate service on February 16, 2004. Although Cable & Wireless is a regulated carrier (see Docket 03-00627), the carrier has not notified the TRA of its intention to withdraw service from the Nashville market. Furthermore, it is impossible for Renaissance to obtain service from another carrier by February 16, 2004. Since Cable & Wireless has declined to give Renaissance an extension of time, Renaissance has no choice but to file this Petition asking that the Authority direct Cable & Wireless to continue providing service until April 1, 2004.

Because of the emergency nature of this Complaint, Renaissance asks that this matter be placed on the January 26, 2004 agenda and that a Hearing Officer be appointed who can rule on the merits of the Complaint.

Very truly yours,

BOULT, CUMMINGS, CONNERS & BERRY, PLC

By:


Henry Walker

HW/pp

**BEFORE THE TENNESSEE REGULATORY AUTHORITY
NASHVILLE, TENNESSEE**

January 21, 2004

<i>In re: Complaint of Renaissance</i>)	
<i>Application Facility, LLC Against Cable &</i>)	
<i>Wireless USA, Inc. and Request for</i>)	DOCKET NO. _____
<i>Emergency Relief</i>)	

**COMPLAINT OF RENAISSANCE APPLICATION FACILITY, LLC AGAINST CABLE
& WIRELESS USA, INC. AND REQUEST FOR EMERGENCY RELIEF**

Renaissance Application Facility, LLC ("Renaissance") files the following complaint against Cable & Wireless USA, Inc. ("C&W").

THE PARTIES

1. Renaissance is located at 3841 Green Hills Village Drive, Suite B-100, Nashville, Tennessee 37215. Renaissance provides, among other things, Internet services to business customers.

2. C&W is a certified provider of telecommunications services in Tennessee. See TRA Docket 95-03359. C&W provides non-voice, data transmission services to businesses, including Renaissance.

JURISDICTION

3. The Authority has jurisdiction over this complaint pursuant to T.C.A. § 65-4-117 and § 65-4-114

STATEMENT OF FACTS

4. Pursuant to contracts between C&W and Renaissance, C&W provides data transmissions services to Renaissance. Specifically, C&W presently provides Renaissance with

an OC3 loop.¹ On October 22, 2003, the parties signed a contract for C&W to provide Renaissance an OC12 loop. That facility has been installed but is not yet in operation.

5. By letter dated December 13, 2003, C&W informed Renaissance that C&W is withdrawing from the Nashville market, effective February 13, 2004, and will no longer be providing service to Renaissance. Renaissance received a second letter on December 18, 2003, in which C&W stated it would discontinue service on February 16, 2004.

6. Since receiving the notice of termination from C&W, Renaissance has contacted numerous other providers of telecommunications services. No carrier can provide Renaissance with transmission facilities comparable to those provided by C&W by February 16, 2004. These transmission services are critical to the continuing operation of Renaissance. Even a brief interruption of service will cause irreparable damage to Renaissance and its customers. See attached affidavit of Larry Dospil, Chief Financial Officer of Renaissance.

REQUESTED RELIEF

7. TRA Rule 1220-4-8-.07(2)(c) states that withdrawal of a non-basis local service offering “shall be permitted on thirty (30) days notice” to the Authority. As of the date of this filing, C&W has provided no such notice to the Authority.

8. Pursuant to T.C.A. § 65-4-114, the Authority has the power to require a public utility to “furnish safe, adequate, and proper service and to keep and maintain its property, and equipment in such condition as to enable it to do so.” Because the services provided by C&W are critical to the continuing operations of Renaissance and because Renaissance cannot obtain

¹ “OC” stands for “optical carrier ” An OC3 loop is capable of transmitting 155 megabits per second.

substitute services by February 16, 2004, Renaissance asks that the Authority direct C&W to continue providing service to Renaissance, including both the OC3 and the OC12 loops, until such time as Renaissance is able to obtain comparable service from another carrier. Renaissance anticipates that this process will be completed by no later than April 1, 2004.


9. Because of the violation of Rule 1220-4-8-.07(2)(c), the Authority should immediately inform C&W that the carrier is not permitted to withdraw service from Renaissance until at least thirty days after providing proper notice of the withdrawal to the Authority.

10. Because of the pending February 16, 2004 termination date, Renaissance asks that the Authority take up this matter at its next, regularly scheduled conference agenda and direct C&W to file a response to this complaint within seven days.

Respectfully submitted,

BOULT, CUMMINGS, CONNERS & BERRY, PLC

By: _____


Henry Walker
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P.O. Box 198062
Nashville, Tennessee 37219
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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing is being forwarded via facsimile and U.S.

Mail, to:

James A. Stenger, Esq.
Thelen, Reid & Priest LLP
701 Pennsylvania Ave., NW, Suite 800
Washington, D.C. 20004-2608

on this the ²²~~21~~st day of January, 2004.



Henry Walker

AFFIDAVIT OF LARRY DOSPIL

1. I am Larry Dospil, chief financial officer of Renaissance Application Facility, L.L.C. I have reviewed the Complaint against Cable & Wireless USA, Inc. and verify all the factual allegations stated in the Complaint.

2. I have asked Cable & Wireless to continue providing service until we can obtain a substitute carrier. They have declined my request. No other carrier can provide us with OC12 transmission capacity by February 16, 2004, the date upon which Cable & Wireless is scheduled to terminate service.

3. If we are unable to obtain OC12 transmission service by February 7, 2004, we will likely lose our largest customer and twenty-five percent (25%) of our revenue.

4. We are currently working with another carrier to install an OC12 transmission facility as soon as possible. We estimate that this line will be operational by April 1, 2004.

I declare under the penalty of perjury that the facts stated herein are true and correct to the best of my knowledge, information, and belief.

FURTHER, AFFIANT SAITH NOT.


Larry Dospil

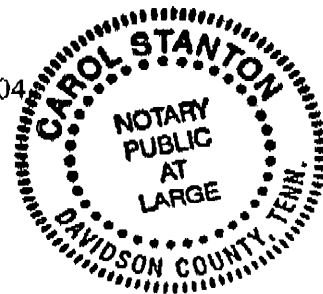
STATE OF TENNESSEE)
COUNTY OF DAVIDSON)

Subscribed and sworn to before me this 22 day of January, 2004.



Notary Public

My Commission Expires: 07/21/2007



**CASE NAME: COMPLAINT OF RENAISSANCE APPLICATION FACILITY, LLC
AGAINST CABLE & WIRELESS USA, INC. AND REQUEST FOR EMERGENCY
RELIEF.**

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